

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KATELYN H.,

Plaintiff,

v.

1:22-CV-1350-ML

COMMISSIONER OF SOCIAL SECURITY
ADMINISTRATION,

Defendant.

APPEARANCES:

LACHMAN, GORTON LAW FIRM
Counsel for the Plaintiff
P.O. Box 89
1500 East Main Street
Endicott, New York 13761-0089

SOCIAL SECURITY ADMINISTRATION
Counsel for the Defendant
6401 Security Boulevard
Baltimore, Maryland 21235

MIROSLAV LOVRIC, United States Magistrate Judge

OF COUNSEL:

PETER A. GORTON, ESQ.

GEOFFREY M. PETERS, ESQ.
Special Assistant United States
Attorney

**CONSENT ORDER TO REMAND PURSUANT
TO SENTENCE 4 OF 42 U.S.C. § 405(g)**

This matter having been opened to the Court by CARLA B. FREEDMAN, United States Attorney for the Northern District of New York, and Geoffrey M. Peters, Special Assistant United States Attorney, attorneys for Defendant, for an Order remanding the within cause of action to the Defendant pursuant to Sentence 4 of 42 U.S.C. § 405(g) so that further administrative action, including a hearing before an Administrative Law Judge and the issuance of a new decision, may be taken; on remand, the Appeals Council will not disturb the favorable

closed period and will remand for consideration of disability beginning June 16, 2021; and Plaintiff, through counsel Peter A. Gorton, having consented to the within order and the requested remand (Dkt. No. 12), and the Court having considered the matter,

IT IS on this 24th day of July, 2023,

ORDERED that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant for this further administrative action; and it is further

ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); and it is further

ORDERED that nothing within this consent order shall be deemed to bar Plaintiff from seeking attorney's fees under the Equal Access to Justice Act (EAJA), 42 U.S.C. § 2412.

Dated: July 24, 2023
Binghamton, New York


Miroslav Lovric
Miroslav Lovric
U.S. Magistrate Judge